Attorney Docket No.: 3464-031

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	GAGE, Kevin
Serial No.	:	10/072,531
Filing Date:	:	February 8, 2002
Group Art Unit	:	2443
Examiner	:	BILGRAMI, Asghar H.
Title:	:	METHOD AND APPARATUS FOR PLAYING MULTIMEDIA AUDIO-VISUAL PRESENTATIONS

TRANSMITTAL OF APPEAL BRIEF

S I R :

Enclosed are three copies of the Appellants' Appeal Brief with payment for $510.00 in accordance with 37 CFR 41.20.

Respectfully submitted,

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APPEAL BRIEF

I. REAL PARTY OF INTEREST

The real party of interest in the present application is the parent company of the assignee, Time Warner Inc.

II. RELATED APPEALS AND INTERFERENCES

None.

III. STATUS OF CLAIMS

The status of the claims of the present application is as follows.

Claim 1 – rejected

Claims 2-5 – cancelled

Claims 6-7 – rejected

Claims 8-10 – cancelled

Claim 11 – rejected

Claims 12-13 – cancelled

Claims 14-18 – rejected

Claims 19-24 – cancelled

Claims 25 – 38 – rejected

IV. STATUS OF AMENDMENTS

An Amendment filed on July 25, 2008 in response to a Final Rejection was entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Developments in the field of electronics and data processing have resulted in a new world of entertainment. Multimedia presentations, such as HD TV programs, are widely available to the present public at visual resolutions and sound qualities that in the past could be enjoyed only on very special equipment or in expensive movie theaters. However, in the middle of all this HD entertainment there is a real need for relatively low level content as well. For example, many content providers now sell short HD video clips (or "videos") having a length in the range of 2-10 minutes and showing an entertainer or band playing a new song using very intensive (real or imaginary) visual scenery and

7.1 channel audio. A customer can replay and enjoy this video on his multimedia system at home consisting of a high definition flat TV screen, a multi-channel audio amplifier, an array of seven speakers and subwoofer. However, what happens if that customer likes the video and wants to listen to it on his small, relatively primitive stereo audio player (such as an I-Pod®)? The present systems do not let him do that. The only way he can play the song is if he acquires an audio chip having a pure audible version of the song shown on the video. Since the customer has to go out of his way to do so, the lack of present equipment to provide the customer with this option is detrimental to both the customer and the content provider.

The subject application solves this problem. Specifically, in the present invention, the customer receives a multimedia content either in a batch (e.g., from a CD, or DVD) or in a streamed version. These two embodiments of the invention are illustrated in Figs. 3 and 4. In Fig. 3, streamed content is received by the apparatus 10A at a broadband portal 20 and is stored in a memory (RAM) 22. The composite multimedia signal includes an audio component or track, a video component or track, control signals, program information, timing information, as illustrated in Fig. 2A. All this information is encoded, and very often, it is encrypted and compressed. The multimedia signal is made available to a separator 24 and a multimedia output port 26.

As explained in the application, the separator has several modes of operation that are selected based on the selection control signals 14A from the user. In one mode of operation, the separator 24 operates as a standard

decoder. In this mode, the separator 24 takes the received signal, separates it into the components shown in Fig. 2 and sends the same to a standard multimedia output port 26. This port then sends these various components to other subsystems for rendering the multimedia presentation to the user.

In another mode of operation, the separator 24 performs a completely different function. In this mode, the separator only partially decodes the received signal. More specifically, the separator 24 decodes the signal sufficiently to enable it to detect only some of the components of the received signals, such as the audio components, and optionally, some of the program information. If the audio component is a multi-channel audio signal, then it is fed to a folder circuit 30. The folder circuit takes the multi-channel signal and generates a corresponding stereo (two-channel) audio signal. The two channel signal from the folder circuit 30 is then encoded (if necessary) into a format compatible with a personal audio player device 10B and is fed to an audio output port for transmitting to device 10B.

At device 10B, the audio signal is stored if necessary into a memory 46, and is selectively decoded, converted into a respective analog signal and played on a headphone 54. Optionally, the program information is also fed to device 10B and corresponding information is then made available to the user on a visual display 56.

Fig. 4 shows an alternate embodiment, similar to the embodiment of Fig. 3 but in this embodiment, the device 10B receives a composite multimedia signal from a DVD.

In summary, according to this invention, the composite multimedia signal is received by an input port of an apparatus for processing multimedia programs. The received signal is provided to an extractor which receives the composite signal. In one mode of operation, the extractor only partially decodes the composite signal to extract the audio component therefrom without extracting the video signal. Once the audio component is extracted from the composite signal, a processor of the apparatus receives the audio component to generate a processed audio signal. The processed audio signal is processed in a format that is sent to an output port and can be played on the digital audio player. A method and apparatus for providing an audio signal from a multimedia signal by extracting the audio component without the video component is defined in independent claims 1, 11, 17 and 28.

An additional feature of the invention is that if the audio component of the multimedia presentation is 2 channels then the apparatus and method performs further processing to reduce or fold these signals into a two channel standard stereo signal. This aspect of the invention is covered in claims 14, 15, 16, 26, 34 and 35.

A further feature of the invention is that in addition to the standard (stereo) signal, the apparatus and method also provides metadata descriptive of the content of the multimedia program. This aspect of the invention is covered in claim 27.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 6, 7, 17, 25-31, 35, 36 and 38 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,174,512 (hereinafter "Martin")

Claims 11, 14-16, 28, 33 and 34 are rejected under 35 U.S.C. §102(e) as being anticipated by Inoue et al. (hereafter "Inoue").

Claims 16, 32 and 37 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Martin in view of Inoue.

VII. ARGUMENT

A. MARTIN DOES NOT ANTICIPATE CLAIMS 1, 6, 7, 17, 25-31, 35, 36 AND 38.

Briefly, Martin discloses a portal for a communication system that includes a remote terminal, such as a set-top box (STB), connected via a communications network to a broadcast center. The portal includes a display connected to the remote terminal for displaying an arrangement of cells, each cell including a visual object and an underlying application. Specifically, Martin's method and system includes an MPEG compressor 1020 that compresses a stream of digital signals and sends the signals to a multiplexor 1040. The multiplexer 1040 assembles a transport stream to send the compressed digital signals to a plurality of STBs. An STB 1140 receives the compressed digital signals in which the digital signal includes video signals and any corresponding audio signals (see e.g., Col. 5, Lines 42-54). The STB 1140 includes a demodulator 244 that receives the compressed digital signals and demodulates

the received transmission (see e.g., Col. 7, Lines 51-55). The digital signals are demultiplexed and filtered into real time audio and video data which are then sent to a audio and video processor for output (see e.g., Col. 7, Lines 61-67; Col. 8, Lines 1-4).

As indicated above, the listed claims have been rejected as anticipated by Martin. A claim is anticipated by a prior art reference ONLY if all its elements are explicitly recited or found in the reference. Claim 1 is illustrative of the independent claims and it reads as follows:

> **1.** An apparatus for processing multimedia programs that are not playable on a digital audio player, said programs being composed of composite signals including an audio program component and a video component comprising:
>
> an input port used to receive a composite signal;
>
> an extractor coupled to said input port and adapted to selectively extract said audio component from said composite signal without extracting said video signal;
>
> a processor that processes said audio component to generate a processed audio signal in a format that can be received and played by the digital audio player; and
>
> an output port for outputting said processed audio signal.

Two important elements in this claim are the extractor and the processor. The extractor is required to extract the audio component from a composite signal without extracting the video component of the composite signal. The Martin reference simply does not disclose or suggest such an extractor. Every figure and every passage in Martin describes an apparatus in which both the video and audio components are extracted. The examiner makes numerous citations to the specification in Martin however none of these citations support his rejection. For example, on page 3 of the final rejection of April 4, 2008, the Examiner cites to Col. 7, Lines 56-67 and Col. 8. Line 1. However, there is nothing in this passage to suggest that in Martin the audio components are treated any differently than the video components.

Similarly, as recited above, in the present invention, the processor receives the audio component of the composite multimedia signal and uses this component to generate an audio signal in a format that can be played by a digital audio player. Again, Martin does not contain anything similar. In Martin, a set top box receives a composite signal and generates audio and video outputs to either a TV set or other devices. However, there is nothing to indicate that the set top box (1) extracts the audio component without the video component and then processes this audio component into a format compatible with a digital audio player.

Once again, the Examiner's citation (Col. 5, Lines 32-67, Col. 6, Lines 1-6) does not support his position. Rather this portion teaches away from the

invention because in Fig. 2 the IRD or set top box 1140 feeds both audio and video signals to other devices 1180 and therefore there is no reason for this element to extract ONLY the audio and not the video component.

In summary, contrary to Applicants invention of extracting the audio component without extracting the video component of a composite signal, Martin's demultiplexer 240 and demodulator 244 extracts the audio **and** video signals from a compressed digital stream. Martin requires the extraction of audio and video signals for sending the signals to their respective audio decoder 246 and video decoder 248. The decoder 246 and 248 converts the audio and video data and further sends the signals to an audio output and video output of STB 1040 for audio and visual output to a user (see e.g., Col. 7, Lines 66-67; Col. 8, Lines 1-4).

One of ordinary skill in the art would immediately recognize that demultiplexer 240 and demodulator 244 of Martin extract both the audio and video signals of the compressed digital stream. A completely different arrangement of elements is needed to extract ONLY the audio AND NOT the video component.

In addition, claim 1 further recites that a processor takes the audio component extracted from the multimedia signal and converts it into a signal suitable for playing by a digital audio player. Martin does not disclose this element either

Martin fails to disclose all of the elements of the independent claims and accordingly, this reference fails to anticipate any of the independent claims.

In addition, of the claims listed above, claims 6, 7, 16, 26 and 35 further describe that the processor further converts the audio component into a standard (stereo) signal.

The Examiner cites Col. 6, Lines 7-24 as teaching this feature. Once again, the Examiner is incorrect. The cited section merely describes that the system receives signals encoded using various formats. There is nothing in this passage about folding signals.

B. CLAIMS 11, 14-16, 28, 33 AND 34 ARE NOT ANTICIPATED BY INOUE[1].

Claim 11 is representative of the claims and reads as follows:

> **11.** An apparatus for generating an audio output in a format that can be played by a digital audio player from composite signals that are incompatible with the audio player, said apparatus comprising:
>
> a broadband input port adapted to receive a multimedia program including a composite signal with an audio and video component;
>
> a data storage adapted to store said multimedia program;
>
> a controller adapted to receive selections from a user and to generate commands responsive to said selections;

[1] In the office action of April 1, 2008, page 7, par. 12, the Examiner rejects the listed claims as being anticipated by Martin (discussed above) however it is clear from the subsequent paragraphs that he meant Inoue et al.

an extractor responsive to said commands and adapted to receive said multimedia program and to selectively extract said audio component without extracting said video component from said multimedia program;

a processor processing said audio component to generate a digital audio signal in a format that is playable by the digital audio player; and

an output port outputting said processed audio output signal.

So, just like Claim 1, Claim 11 requires an extractor that extracts the audio component of a composite signal without extracting the video component, and a processor for processing the audio component into a format that is playable by a digital audio player. In addition, the claim calls for a controller receiving selections from a user, said extractor being responsive to commands from the controller and corresponding to the commands.

Inoue discloses a television broadcast receiving system for receiving television broadcasting signals such as digital satellite broadcasting service. Specifically, a user of the system may store content information after observing the information presented in the form of an image, voice or sound. A controlling portion 30 receives instructions from the user for recording content information. Thereafter, the controlling portion 30 records the content information in a vacant area of an external memory element 100 that is connected to an external

memory interface 45. The user of the system is then able store and read the information from the external memory through an interface circuit in the future (see e.g., Col. 17, Lines 56-67).

As discussed above, independent claim 11 recites, *inter alia*, "... an extractor responsive to said commands and adapted to receive said multimedia program and to selectively extract said audio component without extracting said video component from said multimedia program ..." There is nothing in Inoue that discloses or even suggests this limitation. Contrary to the Examiner's assertion, Inoue is silent with regards to extracting the audio component of multimedia program without extracting the video component. Inoue discloses a demultiplexing section 132 that includes a packet ID filter (PID) 321. The PID filter 321 extracts MPEG-compressed video signals *V* and MPEG-compressed audio signals *A* of a broadcast television program selected by a user. See e.g., Fig. 3; Col. 7, Lines 35-55. Thus, Inoue is silent with regards to selectively extracting the audio component without extracting the video component from a multimedia program as recited in independent Claim 11.

The Examiner cites Col. 17 Lines 56-67 for his assertion that this reference discloses an extractor as required by Claim 11. However, he is incorrect. The cited portion merely describes taking some information and storing it. There is nothing in this portion to even suggest that the audio and video components of a composite signal should be treated differently. In fact, it is clear from Figs. 1-3 (note in particular the SINGLE line in Fig. 3 with the legend A,V) that in Inoue the audio and video components are always treated the same

way and there is never an occasion in which the audio component is extracted but the video component is NOT.

Lastly, as discussed above, claim 11 requires a controller that generates commands that cause the extractor to extract the audio but not the video component. Contrary to the Examiner's assertions, since there is no such extractor disclosed in Inoue, there could be no controller that can generate a command to perform this function.

Thus claim 11 and all the other claims discussed above contain at least three elements that are not found in Inoue and accordingly, they are NOT anticipated.

As previously discussed, some of the listed claims (such as 34) also require that the audio component be converted into a two channel signal. The Examiner is citing Col. 5, Lines 32-67 and Col. 6 Lines 1-6, as teaching this feature. However, by the examiner's own admission, these passages discuss MPEG formatting. However, merely using MPEG formatting does not require the processing claimed. Hence the claims are not anticipated by Inoue on these grounds as well.

C. CLAIMS 16, 32 AND 37 ARE NOT OBVIOUS IN VIEW OF MARTIN OVER INOUE.

These claims are dependent on claims 11, 1 and 17 respectively. It is demonstrated above that Martin does not have at least two of the elements of claims 1 and 17 and that claim 11 has the same two elements and an additional element that is missing from Inoue. Therefore it is respectfully submitted even if

Martin and Inoue are combined, the resulting combination cannot have all the elements of the rejected claims and accordingly, there is no obviousness.

VIII. CONCLUSION

The independent claims and all but three of the dependent claims stand rejected as being anticipated either by Martin or Inoue. However, the Applicant has demonstrated that the references are missing at least two (Martin) or three (Inoue) elements recited by the respective claims and accordingly, there is no anticipation as a matter of law. Three of the dependent claims have been rejected as being obvious in view of the same references. It is submitted that since the two references are missing two or three elements from the corresponding independent claims, the claims are not obvious as well.

Respectfully submitted,

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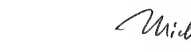

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VIII. APPENDIX--CLAIMS

1. An apparatus for processing multimedia programs that are not playable on a digital audio player, said programs being composed of composite signals including an audio program component and a video component comprising:

an input port used to receive a composite signal;

an extractor coupled to said input port and adapted to selectively extract said audio component from said composite signal without extracting said video signal;

a processor that processes said audio component to generate a processed audio signal in a format that can be received and played by the digital audio player; and

an output port for outputting said processed audio signal.

2-5. (CANCELLED)

6. The apparatus of claim 1 wherein said audio component includes a multichannel audio signal and wherein said processed signal includes a stereo audio signal.

7. The apparatus of claim 6 wherein said processor includes a folder circuit adapted to fold said multichannel audio signal to generate said stereo audio signal.

8-10. (CANCELLED)

11. An apparatus for generating an audio output in a format that can be played by a digital audio player from composite signals that are incompatible with the audio player, said apparatus comprising:

a broadband input port adapted to receive a multimedia program including a composite signal with an audio and video component;

a data storage adapted to store said multimedia program;

a controller adapted to receive selections from a user and to generate commands responsive to said selections;

an extractor responsive to said commands and adapted to receive said multimedia program and to selectively extract said audio component without extracting said video component from said multimedia program;

a processor processing said audio component to generate a digital audio signal in a format that is playable by the digital audio player; and

an output port outputting said processed audio output signal.

12-13. (CANCELLED)

14. The apparatus of claim 11 wherein audio component includes a multichannel audio signal; and wherein said processor includes a folder circuit adapted to fold said multichannel audio signal, and an encoder adapted to

encode the folded audio signal using a standard compression protocol to generate said digital output signal.

15. The apparatus of claim 14 wherein said encoder is adapted to encode said folded audio signal using an MPEG protocol.

16. The apparatus of claim 14 wherein said encoder is adapted to encode said folded audio signal using an ATRAC protocol.

17. A method of processing a multimedia program for play on an incompatible digital audio device comprising the steps of:

receiving said multimedia program, said multimedia program including an audio component and a video component;

extracting said audio component from said multimedia program without extracting said video component;

processing said audio component to generate a processed audio signal in a format compatible with the digital audio device so that said processed audio signal is playable on the digital audio device; and

outputting said processed signal to the digital audio device.

18. The method of claim 17 wherein said multimedia program is received electronically from a distribution network, further comprising storing said multimedia program.

19-24 (CANCELLED)

25. The method of claim 17 wherein said multimedia program is a compressed format and said processed audio signal is an uncompressed format.

26. The method of claim 17 wherein said multimedia program includes a multi-channel audio signal and said processed audio signal includes a stereo channel audio signal.

27. The method of claim 17 further comprising extracting from said multimedia program a metadata component and storing said metadata component as part of said audio file.

28. A method of processing a multimedia program for playing at least an audio component of the program on an incompatible digital multimedia player, said method comprising:

receiving said multimedia program composed of composite signals including said audio program component and a video component;

selectively extracting from said multimedia program in response to commands from a user said audio component without extracting said video signal;

processing said audio component to generate a processed audio signal having a format compatible with the digital multimedia player; and

selectively outputting said processed audio signal to the digital audio player.

29. The apparatus of claim 1 wherein said input port is adapted to receive a broadband multimedia program.

30. The apparatus of claim 1 wherein said input port includes a media reader.

31. The apparatus of claim 1 wherein said input port includes a DVD reader.

32. The apparatus of claim 1 wherein said processed signal is a compressed signal in one of an MPEG and an ATRAC standard.

33. The apparatus of claim 11 wherein said multimedia program is compressed using an MPEG protocol and wherein said extractor is adapted to use said MPEG protocol to extract said audio component.

34. The apparatus of claim 14 wherein said folder circuit folds said multichannel audio signal into a stereo audio signal.

35. The method of claim 17 wherein said multichannel program includes a multichannel audio signal, further comprising folding said multichannel audio signal into a stereo audio signal.

36. The method of claim 17 further comprising compressing said processed audio signal.

37. The method of claim 36 wherein said processed audio is compressed one of an MPEG and an ATRAC protocol.

38. The method of claim 17 further comprising saving said processed output signal before it is output to said digital audio device.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.